

REMARKS/RESPONSE

Applicants respectfully request that the foregoing amendment to the specification be entered. This priority claim is supported by the Utility Patent Application Transmittal, for example, on page 3, box 16, and the Declaration and Power of Attorney signed July 16, 2002, for example at page 1. Both of these documents were mailed to the US Patent Office on January 5, 2004 with the filing papers for the present application. The priority claim is also supported by the Declaration and Power of Attorney submitted April 8, 2005, for example, at page 3.

Specifically, the Utility Patent Application Transmittal states on page three that “[t]he application claims benefit from PCT application no. PCT/EP02/07281, filed July 2, 2002.” This is believed to be a sufficient reference to the earlier PCT application such that priority can be corrected and no petition is required.

However, in the alternative, if the Patent Office finds this support insufficient reference, then Applicants respectfully request that this Amendment be considered a petition for an unintentionally delayed claim for priority pursuant to 37 CFR 1.78(a)(3). The above amendment contains the reference to the prior application required by 35 USC 120 and 37 CFR 1.78(a)(2). It is submitted that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) and the date this claim for priority is filed was unintentional.

The Commissioner is authorized to charge the surcharge due under 37 CFR 1.17(t) and any other fees which may be due for the filing of this paper from Deposit Account 03-2775, under Order No. 13173-00010-US from which the undersigned is authorized to draw. This Amendment is submitted in duplicate.

Applicants also respectfully request correction of the priority data on the filing receipt to show under “Domestic priority data as claimed by applicant” the following: “continuation-in-part application of International Application PCT/EP02/07281 filed July 2, 2002, now abandoned.” Applicants also request that the filing receipt be corrected to remove reference to this PCT application from under the heading “Foreign Applications” such that under “Foreign

Application No.: 10/750,891

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(PATENT)

Applications" the entry reads in its entirety as following: "GERMANY DE 10131786.7
07/04/2001". Attached is a marked-up copy of the filing receipt showing the changes requested.

No fee is believed due for the correction of the filing receipt because the error is believed to be made by the US Patent Office. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13173-00010-US from which the undersigned is authorized to draw.

Dated: April 29, 2005

Respectfully submitted,

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